

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

WILLIAM E. EIKEY and CHERYL)	
EIKEY, husband and wife)	
Plaintiffs,)	
)	
v.)	Civil Action No. 06-121
)	
EMERALD COAL RESOURCES, L.P.,)	
f/k/a RAG EMERALD RESOURCES,)	
L.P., and PENNSYLVANIA LAND)	
HOLDINGS CORPORATION,)	
collectively, t/d/b/a EMERALD)	
MINE)	
Defendants.)	

MEMORANDUM ORDER

Gary L. Lancaster,
District Judge.

August 15, 2007

The parties are familiar with the background of the case and we need not repeat it here. We need only state that plaintiffs accepted an offer of judgment for \$10,000, "with costs accrued" on July 19, 2007. [See document #66]. Pursuant to the agreement, plaintiff filed a bill of costs. Defendant filed a motion to strike the bill of costs contending that plaintiffs' bill of costs include inappropriate items and should be stricken. Defendant further contends that the court should sanction plaintiffs by denying them any costs. For the reasons set forth below, the costs will be taxed as follows.

The court has the discretion to award the following costs, pursuant to 28 U.S.C. § 1920:

- (1) Fees of the clerk and marshal;

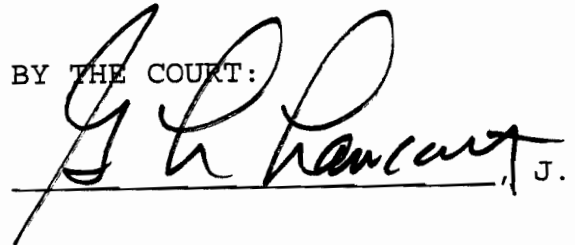
- (2) Fees of the court reporter for all or any part of the stenographic transcript necessarily obtained for use in the case;
- (3) Fees and disbursements for printing and witnesses;
- (4) Fees for exemplification and copies of papers necessarily obtained for use in the case;
- (5) Docket fees under section 1923 of this title;
- (6) Compensation of court appointed experts, compensation of interpreters, and salaries, fees, expenses, and costs of special interpretation services under section 1828 of this title.

Pursuant to the statute, the court will award costs as follows:

1. Filing fee	\$250.00
2. Transcripts	\$1,421.55
3. Medical Records (Copies)	\$311.06
4. Witness appearance fees	\$371.33
Total ¹	\$2,353.94

Therefore, this 15[★] day of August, 2007, the court hereby orders defendant to pay \$2,353.94 in costs.

BY THE COURT:

 J.

cc: All Counsel of Record

¹The court will decline to award any costs for serving subpoenas and expert fees, as costs which are not allowed under 28 U.S.C. 1920.